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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-393**

13 **EMMANUEL PILI MASTRILI**
1775 Newport Drive
14 Yuba City, California 95993

A C C U S A T I O N

15 Registered Nurse License No. 641507

16 Respondent.

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18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Interim
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about July 27, 2004, the Board issued Registered Nurse License Number
24 641507 to Emmanuel Pili Mastrili ("Respondent"). The license will expire on or about
25 May 31, 2010, unless renewed.

26 **STATUTORY AND REGULATORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part,
28 that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
2 Nursing Practice Act.

3 4. Code section 2761 states, in pertinent part:

4 "The board may take disciplinary action against a certified or licensed nurse or deny an
5 application for a certificate or license for any of the following:

6 (a) Unprofessional conduct, which includes, but is not limited to, the following:

7 (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
8 functions."

9 5. Code section 2762 states, in pertinent part:

10 "In addition to other acts constituting unprofessional conduct within the meaning of this
11 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
12 chapter to do the following:

13 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
14 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
15 section."

16 6. California Code of Regulations, title 16, section 1442, states:

17 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure
18 from the standard of care which, under similar circumstances, would have ordinarily been
19 exercised by a competent registered nurse. Such an extreme departure means the repeated failure
20 to provide nursing care as required or failure to provide care or to exercise ordinary precaution in
21 a single situation which the nurse knew, or should have known, could have jeopardized the
22 client's health or life."

23 7. California Code of Regulations, title 16, section 1443, states:

24 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or
25 the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
26 exercised by a competent registered nurse as described in Section 1443.5."

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- a. Respondent failed to document Dr. Fraiser's verbal telephone order.
- b. Respondent failed to follow standing orders to obtain labs for patients, such as R.T., who have rhythm changes.
- c. Respondent failed to chart medications administered to R.T. on the Medication Administration Record.
- d. Respondent failed to chart R.T.'s vital signs on the flowsheet.
- e. Respondent failed to chart the administration of oxygen to R.T.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence)

11. Respondent is subject to discipline pursuant to Code section 2761(a)(1), on the grounds of unprofessional conduct, in that on or about July 2, 2007, while providing nursing care to R.T., Respondent was guilty of gross negligence within the meaning of California Code of Regulations, title 16, section 1442, in the following respects:

- a. Although R.T. had an episode of tachycardia with a hear rate up to 150 beats per minute, Respondent failed to give R.T. the appropriate care needed for sustained tachycardia per ACLS (advance cardiac life support), including notifying the physician.
- b. Respondent failed to treat R.T.'s idioventricular rhythm, once confirmed by the presence of an EKG.
- c. Respondent failed to contact a cardiologist as ordered by Dr. Frasier, and after repeated reminders from the charge nurse.

THIRD CAUSE FOR DISCIPLINE

(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)

12. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2762(e), in that on or about July 2, 2007, and July 3, 2007, while employed as a registered nurse at Rideout Memorial Hospital, Marysville, California, Respondent falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records, as more particularly set forth above in paragraph 10, subdivision (a), (c), (d), and (e).

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2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein
4 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 641507, issued to
6 Emmanuel Pili Mastrili;

7 2. Ordering Emmanuel Pili Mastrili to pay the Board of Registered Nursing the
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
9 Professions Code section 125.3; and,

10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: 2/22/10.

12 *Louise R. Bailey*
13 Louise R. Bailey, M.Ed., RN
14 Interim Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

19 SA2009102838

20 Accusation (kdg) 1/2/2010